IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 9687 of 2007(C)

PETITIONER:

K.PHILIP,EBENESER PAIPRAYIL,PERINGALA P.O,KAYAMKULAM,ALAPPUZHA DISTRICT.

BY ADV. SRI.R.REJI
SMT.C.A.AJITHA SALAM

RESPONDENTS:

1.KAYAMKULAM MUNICIPALITY,REPRESENTED BY THE SECRETARY,KAYAMKULAM MUNICIPALITY,KAYAMKULAM.

2.THE SECRETARY,KAYAMKULAM MUNICIPALITY,\ KAYAMKULAM.

3.VARGHESE BABY,13TH WARD MEMBER, KAYAMKULAM MUNICIPALITY,KAYAMKULAM,PERINGALA P.O, ALAPPUZHA DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.9687 of 2007

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Dated: 21st March, 2007

JUDGMENT

The grievance of the petitioner is that in spite of Ext.P1 order passed by the Ombudsman for Local Self Government Institutions and in spite of Ext.P2 representation submitted by him before the 2nd respondent-Municipality, the Municipality is permitting the third respondent to go ahead with his activities generating considerable sound and other pollutions. I do not propose to take a decision on the genuineness of the above grievance. But since Ext.P2 representation is submitted to the 2nd respondent-Municipality and Ext.P1 order of the Ombudsman shows prima facie that the grievance of the petitioner is correct, this Writ Petition will stand disposed of directing the 2nd respondent to take immediate action on Ext.P2 after issuing notice to the third respondent. Needful will be done by the 2nd respondent at the earliest and at any rate within three weeks of receiving a copy of this judgment together with a copy of the Writ Petition and all the exhibits.

srd **PIUS C.KURIAKOSE, JUDGE**